

ASSESSMENT OF MENTAL HEALTH NEEDS OF JUVENILE OFFENDERS STUDY PLAN

Study Mandate

- During the 2013 General Assembly Session, Senator Jill Holtzman Vogel introduced Senate Bill 928 which would require an interdisciplinary team to evaluate the service needs of a juvenile when the Commonwealth is seeking the juvenile's commitment. Such an evaluation would be ordered when the juvenile has been:
 - placed in a secure facility;
 - identified with a mental health need from the mental health assessment conducted by the secure facility; and
 - adjudicated delinquent and the attorney for the Commonwealth is seeking commitment.
- The proposed legislation would require juveniles with an identified mental health need being considered for commitment be referred to an interdisciplinary committee and for the committee to submit a report, unless an interdisciplinary team had met on the juvenile's case within the preceding 90 days.
- The proposed legislation would require the juvenile and domestic relations court to consider the evaluation when determining whether the juvenile will be committed to the Department of Juvenile Justice (DJJ).
- Members of the Senate Courts of Justice Committee reviewed the bill and determined that further study would be appropriate. The Committee passed the bill by indefinitely and requested the Commission on Youth to study the provisions set forth in Senate Bill 928 and to report findings and recommendations to the Committee by November 1, 2013.

Identified Issues

- Currently, § 16.1-248.2 of the *Code of Virginia* specifies that when a juvenile is placed in a secure facility (i.e., detention), staff at the facility will determine whether the juvenile requires a mental health assessment. The community services board serving the jurisdiction is to then conduct the assessment within 24 hours of the determination.
- The proposed legislation would require the juvenile and domestic relations court to order an interdisciplinary team to conduct an evaluation of the juvenile's service needs based upon the findings of the mental health assessment.
- The majority of juveniles entering Virginia's juvenile justice system have complex needs, including mental health and substance abuse.
 - In Fiscal Year 2012, over 60% of males and 80% of females committed to DJJ showed significant symptoms of mental health disorders. Additionally, 62% of males and 76% of females had a history of psychotropic medication use prior to their commitment.
 - In Fiscal Year 2012, 94% of committed juveniles had significant symptoms of Attention Deficit Hyperactivity Disorder (ADHD), Conduct Disorder, Oppositional Defiant Disorder, Substance Abuse Disorder, or Substance Dependence Disorder.
 - In 2012, DJJ's annual expenditures for psychotropic drugs exceeded \$995,376 in contrast to \$387,593 for all other medications.
- Diverting youth with mental health disorders from the juvenile justice system may help to reduce recidivism.

- Section 16.1-227 of the *Code of Virginia* gives Virginia's juvenile and domestic relations courts flexibility in dealing with juveniles with mental health needs. Juvenile and domestic relations courts are permitted "to divert from or within the juvenile justice system, to the extent possible, consistent with the protection of the public safety, those children who can be cared for or treated through alternative programs."
- Intake officers may also divert eligible juveniles and refer them to services and/or brief informal supervision pursuant to § 16.1-260 of the *Code of Virginia*.
- The number of successfully diverted complaints increased 63%, from 5,302 to 8,508 between Fiscal Years 2002 and 2012.
- Because a mental health assessment is an in-depth evaluation of the juvenile, issues concerning confidentiality, information sharing, and self-incrimination must be addressed. The Commonwealth's custodial role, due process/procedural issues, and public safety obligations should also be considered.

Study Activities

- Conduct extensive background and literature reviews
 - Other states' initiatives and policies
 - Best-practices in screening and assessing mental health disorders in the juvenile offender population
 - MacArthur Foundation Model for Change Program
 - Annie E. Casey Juvenile Detention Alternative Initiatives (JDAI)
- Review federal legislation/statutes
 - *The Second Chance Act of 2007*
 - *The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008*
- Review Virginia laws and regulations
 - Juvenile and domestic relations court statutes
 - Juvenile confidentiality statutes
 - Mental health screening statutes
 - Regulations addressing diversion, adjudication, confidentiality, and mental health assessment
- Interview impacted stakeholders
 - DJJ officials
 - Department of Criminal Justice Services (DCJS)
 - Department of Behavioral Health and Developmental Services (DBHDS)
 - Community Services Board (CSB) representatives
 - Comprehensive Services Act (CSA) representatives
 - Court Services Units (CSU)
 - Local Family Assessment and Planning Teams (FAPT)
 - Probation/Parole officers
 - Detention Center representatives
 - Law Enforcement officials
 - Commonwealth Attorneys
 - Guardians Ad Litem
 - Juvenile Court Judges/Court officials
 - Virginia Supreme Court/Office of the Executive Secretary
 - Governor's Task Force on School and Campus Safety
 - Advocacy Organizations
- Analyze Virginia practices
 - Receive information on DJJ's memoranda of agreement with CSBs

- Receive information on screening and assessment practices from a cross-section of Virginia's judicial districts (rural and urban)
- Assess barriers to screening, assessment, and diversion
- Receive information on Virginia's community-based mental health services
- Examine potential funding sources
- Synthesize findings of literature review and interviews
- Develop findings and recommendations
- Solicit feedback on draft recommendations from impacted stakeholders
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Prepare final report